

14CV9538  
Judge PauleyJS 44C/SDNY  
REV. 4/2014

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
Michael D. GibbonsDEFENDANTS  
Martin Shkreli and Retrophin, Inc.ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Charles J. Hyland, Hyland Law Firm, LLC7300 W. 110th St., Suite 930  
Overland Park, KS 66210  
(913) 498-1911

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Exchange Act Section 16(b), 15 U.S.C. Section 79p(b)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time?  Yes  Judge Previously AssignedIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes (PLACE AN  IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES				
CONTRACT	PERSONAL INJURY	PERSONAL INJURY [ ] 310 AIRPLANE [ ] 315 AIRPLANE PRODUCT [ ] 320 ASSAULT, LIBEL & [ ] 330 FEDERAL [ ] 340 MARINE [ ] 345 MARINE PRODUCT [ ] 350 MOTOR VEHICLE [ ] 355 MOTOR VEHICLE [ ] 360 OTHER PERSONAL [ ] 362 PERSONAL INJURY - [ ] 365 OTHER PERSONAL [ ] 370 OTHER FRAUD [ ] 371 TRUTH IN LENDING	FORFEITURE/PENALTY [ ] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY [ ] 365 PERSONAL INJURY [ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	BANKRUPTCY [ ] 1625 DRUG RELATED SEIZURE OF PROPERTY [ ] 21 USC 881 [ ] 690 OTHER	PROPERTY RIGHTS [ ] 1422 APPEAL [ ] 28 USC 158 [ ] 423 WITHDRAWAL [ ] 28 USC 157	OTHER STATUTES [ ] 375 FALSE CLAIMS [ ] 400 STATE REAPPORTIONMENT
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	PERSONAL PROPERTY [ ] 370 OTHER FRAUD	[ ] 820 COPYRIGHTS [ ] 830 PATENT [ ] 840 TRADEMARK	[ ] 410 ANTITRUST [ ] 430 BANKS & BANKING [ ] 450 COMMERCE [ ] 460 DEPORTATION [ ] 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)		
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	[ ] 371 TRUTH IN LENDING	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE	[ ] 480 CONSUMER CREDIT [ ] 490 CABLE/SATELLITE TV		
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL &	PRISONER PETITIONS [ ] 463 ALIEN DETAINEE [ ] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	LABOR [ ] 710 FAIR LABOR STANDARDS ACT [ ] 720 LABOR/MGMT RELATIONS [ ] 740 RAILWAY LABOR ACT [ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 861 HIA (1395ff) [ ] 862 BLACK LUNG (923) [ ] 863 DIWC/DIWV (405(g)) [ ] 864 SSID TITLE XVI [ ] 865 RSI (405(g))	[ ] 890 OTHER STATUTORY ACTIONS [ ] 891 AGRICULTURAL ACTS	
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	CIVIL RIGHTS [ ] 530 HABEAS CORPUS [ ] 535 DEATH PENALTY [ ] 540 MANDAMUS & OTHER [ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	IMMIGRATION [ ] 462 NATURALIZATION APPLICATION [ ] 465 OTHER IMMIGRATION ACTIONS	[ ] 870 TAXES (U.S. Plaintiff or Defendant) [ ] 871 IRS-THIRD PARTY 26 USC 7609	[ ] 893 ENVIRONMENTAL MATTERS [ ] 895 FREEDOM OF INFORMATION ACT [ ] 896 ARBITRATION [ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE	ACTIONS UNDER STATUTES [ ] 441 VOTING [ ] 442 EMPLOYMENT [ ] 443 HOUSING/ ACCOMMODATIONS [ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT [ ] 446 AMERICANS WITH DISABILITIES - OTHER [ ] 448 EDUCATION	PRISONER CIVIL RIGHTS [ ] 550 CIVIL RIGHTS [ ] 555 PRISON CONDITION [ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	[ ] 466 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	[ ] 1950 CONSTITUTIONALITY OF STATE STATUTES	
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT					
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE					
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE					
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY					
[ ] 190 OTHER CONTRACT	[ ] 362 PERSONAL INJURY - MED MALPRACTICE					
[ ] 195 CONTRACT PRODUCT LIABILITY						
[ ] 196 FRANCHISE						
REAL PROPERTY						
[ ] 210 LAND CONDEMNATION						
[ ] 220 FORECLOSURE						
[ ] 230 RENT LEASE & EJECTMENT						
[ ] 240 TORTS TO LAND						
[ ] 245 TORT PRODUCT LIABILITY						
[ ] 290 ALL OTHER REAL PROPERTY						

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:DEMAND \$ >100,000 OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
		<input type="checkbox"/> a. all parties represented				
		<input type="checkbox"/> b. At least one party is pro se.				

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY
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**BASIS OF JURISDICTION****IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF	
CITIZEN OF THIS STATE	[ ] 1	[ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 3	[ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Michael D. Gibbons  
 688 S.W. Bayberry Lane, Ste. 104  
 Lee's Summit, MO 64063  
 Jackson County

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Martin Shkreli  
 c/o Retrophin, Inc.  
 777 Third Avenue, 22nd Floor  
 New York, NY 10017  
 New York County

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

*Ches 9/18/14 12/1/14*

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

[ ] NO  
 YES (DATE ADMITTED Mo. 11 Yr. 2008)  
 Attorney Bar Code # CH2561

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

